

## **REMARKS**

### **Introduction**

The Examiner is thanked for the courtesies extended to the undersigned during the telephone conference on November 3, 2003. U.S. Patent No. 6,211,790 to Radomsky et al. (hereinafter "Radomsky"), which was cited in the Office Action dated October 2, 2003, was discussed. The filing date of Radomsky is May 19, 1999, while the priority date of the current application is February 9, 1999. The current application is a continuation of U.S. Patent Application Serial No. 09/500,204, filed on February 8, 2000, which claims the benefit of U.S. Provisional Patent Application Serial No. 60/119,268, which was filed on February 9, 1999. A copy of the filing receipt of the current application is attached to further support this assertion. The disclosure of this application and the parent application (serial no. 09/500,204) is identical to the disclosure of the provisional application (serial no. 60/119,268). Thus, Radomsky is not prior art to this application and cannot be used to support the 35 U.S.C. § 102 and § 103 rejections of the October 2, 2003 Office Action. Although the Applicant correctly submitted the priority information in the present application's transmittal sheet, the Applicant includes herewith another request to amend the specification to include the priority information in the first paragraph.

The Applicant wishes to point out that claim 21 was not considered in the October 2, 2003 Office Action.

The Applicant also wishes to point out that the Examiner has not indicated consideration of the references listed on the Information Disclosure Statement submitted November 21, 2001.

### **Final Remarks**

Applicant submits that claims 21-43, are in condition for allowance. Such allowance is respectfully requested.

If necessary, Applicant requests that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicant requests that any required fees for filing this Amendment be charged to the account of Bose McKinney & Evans LLP, Deposit Account Number 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS

A handwritten signature in black ink, appearing to read 'Robert D. Null', is written over a horizontal line.

Robert D. Null

Registration No. 40,746

Indianapolis, Indiana  
(317) 684-5000

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